

Introduced by Senator EmmersonFebruary 20, 2013

An act to amend Section 374 of the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 337, as introduced, Emmerson. State Highway Route 74.

Existing law provides that the Department of Transportation has full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. Existing law authorizes the commission to relinquish certain state highway segments to local agencies.

This bill would authorize the commission to relinquish to the City of Hemet that portion of State Highway Route 74 located within its city limits or sphere of influence under specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 374 of the Streets and Highways Code
- 2 is amended to read:
- 3 374. (a) Route 74 is from:
- 4 (1) Route 5 near San Juan Capistrano to Route 15 near Lake
- 5 Elsinore.
- 6 (2) Route 15 near Lake Elsinore to Route 215 near Perris.
- 7 (3) Route 215 near Perris to the southern city limit of Palm
- 8 Desert.

1 (4) Highway 111 in Palm Desert to Route 10 near Thousand
2 Palms.

3 (b) The relinquished former portions of Route 74 within the
4 Cities of Palm Desert and Perris are not state highways and are
5 not eligible for adoption under Section 81. For the ~~relinquished~~
6 former portions of Route 74 *relinquished under this subdivision*,
7 the Cities of Palm Desert and Perris shall maintain within their
8 respective jurisdictions signs directing motorists to the continuation
9 of Route 74 and shall ensure the continuity of traffic flow on the
10 relinquished portions of Route 74, including any traffic signal
11 progression.

12 (c) (1) The commission may relinquish to the City of Lake
13 Elsinore the portion of Route 74 located within the city limits of
14 that city, upon terms and conditions the commission finds to be
15 in the best interests of the state.

16 (2) Any relinquishment agreement shall require that the City of
17 Lake Elsinore administer the operation and maintenance of the
18 highway in a manner consistent with professional traffic
19 engineering standards.

20 (3) Any relinquishment agreement shall require the City of Lake
21 Elsinore to ensure that appropriate traffic studies or analyses will
22 be performed to substantiate any decisions affecting the highway.

23 (4) Any relinquishment agreement shall also require the City
24 of Lake Elsinore to provide for public notice and the consideration
25 of public input on the proximate effects of any proposed decision
26 on traffic flow, residences, or businesses, other than a decision on
27 routine maintenance.

28 (5) Notwithstanding any of its other terms, any relinquishment
29 agreement shall require the City of Lake Elsinore to indemnify
30 and hold the department harmless from any liability for any claims
31 made or damages suffered by any person, including a public entity,
32 as a result of any decision made or action taken by the City of Lake
33 Elsinore, its officers, employees, contractors, or agents, with
34 respect to the design, maintenance, construction, or operation of
35 that portion of Route 74 that is to be relinquished to the city.

36 (6) A relinquishment under this subdivision shall become
37 effective immediately after the county recorder records the
38 relinquishment resolution that contains the commission's approval
39 of the terms and conditions of the relinquishment.

(7) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 74 relinquished *under this subdivision* shall cease to be a state highway.

(B) The portion of Route 74 relinquished *under this subdivision* may not be considered for future adoption under Section 81.

(8) The City of Lake Elsinore shall ensure the continuity of traffic flow on the ~~relinquished~~ portion of Route 74 *relinquished under this subdivision*, including any traffic signal progression.

(9) For ~~relinquished~~ portions of Route 74 *relinquished under this subdivision*, the City of Lake Elsinore shall maintain signs directing motorists to the continuation of Route 74.

(d) (1) *Notwithstanding subdivision (a), the commission may relinquish to the City of Hemet the portion of State Highway Route 74 that is located within the city limits or the sphere of influence of the City of Hemet, upon terms and conditions the commission finds to be in the best interests of the state.*

(2) *A relinquishment under this subdivision shall become effective immediately following the recordation by the county recorder of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.*

(3) On and after the effective date of the relinquishment, both of the following shall occur:

(A) *The portion of State Highway Route 74 relinquished under this subdivision shall cease to be a state highway.*

(B) *The portion of State Highway Route 74 relinquished under this subdivision may not be considered for future adoption under Section 81.*

(4) *The City of Hemet shall ensure the continuity of traffic flow on the portion of State Highway Route 74 relinquished under this subdivision, including any traffic signal progression.*

(5) *For portions of State Highway Route 74 relinquished under this subdivision, the City of Hemet shall maintain signs directing motorists to the continuation of State Highway Route 74.*